S. 581 (27).

LAWS & ARTICLES OF WAR,

For the Government of His *Majesties* Forces within the Kingdom of *SCOTLAND.*

EDINBURGH,
Printed by *Evan Tyler*, Printer to the Kings most Excellent MAJESTY, 1667.

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Laws and Articles of VVar, for the Government of His *Majesties* Forces within the Kingdom of *Scotland*.

I.

Concerning Christian and Moral Duties.

FOrasmuch as all Laws, Acts and Ordinances, ought to be founded upon, and have their Originals from the Law of Almighty GOD: to the end therefore that with the more confidence We may depend upon this Our GOD for a blessing upon Our selves and Our Army, in all it's undertakings and atchievments.

Whosoever shall be so desperatly mad, as to blaspheme or speak against the Holy, Glorious and Blessed Trinity, One GOD in three Persons, Father, Son and Holy Ghost, shall die without mercy.

II. All such and unlawful Oaths and Imprecations and Curses shall be punished by amercing and fining every such Swearer and Curser: For the first transgression in one days Pay, for the second in two, *&c.* and if any shall be found incorrigible, let him be left to the Courts severest Censures usual in such Cases.

III. Whosoever upon the LORDS Day shall unnecessarily absent themselves from Divine Worship, shall lose a Months pay.

 IV. Who-

IV. Whoſoever ſhall be found guilty of uncleanneſs, ſhall be oblidged to ſatisfie the Church in that Pariſh where the treſpaſs was committed; And furthermore be fined by the Court, ſuteable to the quality of the Offender, and proportionably to the Act of Parliament in the like Caſe.

V. All wilfull Murders, Rapes, raiſing of Fire, Theſts, Outrages, unnatural Abuſes, and other notorious Crimes and abominable, ſhall be puniſhed with Death.

VI. No common or notorious Whore ſhall be tollerated in Camp or Garriſon, and whoſoever keepeth an unmarried Woman, ſhall be conſtrained to marry her, or put her away.

VII. Whoſoever doth preſume to ſpeak in the leaſt irreverently of the King, anent His Perſon or Government, Military, Civil, or Eccleſiaſtick, ſhall die without mercy.

VIII. Whoſoever ſhall be found to ſpeak unbeſeemingly (except that which he is able to make out before a Court of War.) againſt any of the General Officers of the Army, ſhall be puniſhed at the diſcretion of the Court.

II.

Duties Common to Officer and Souldier.

I. WHoſoever ſhall be found to have any intercourſe with the Enemy without permiſſion from the General, ſhall die as a Traitor.

II. Whoſoever by any means ſhall relieve a known publick Enemy, ſhall die.

III. Whoſoever out of contempt ſhall violate a Protection or Salvo-guards, ſhall die. IV. Who-

I V. Whoſoever without invincible neceſſity ſhall ſurrender Caſtle, Fort or Garriſon, ſhall die.

V. But if the Governour of any ſuch Place ſhall be conſtrained to a ſurrendry by his Officers or Souldiers; ſuch Officers ſhall ſurely die, and the Souldiers be decimaled for hanging.

V I. Whoſoever ſhall be found Loyterers in any point of Duty, are to be Cenſured by the General and Court at diſcretion.

V I I. Whoſoever concealeth any mutinous Speeches, ſhall die.

V I I I. Whoſoever ſhall be found drunk upon Duty, ſhall die: and if, though not upon Duty, any one ſhall commit Outrage in his Drink, let him be cenſured firſt for being drunk: 2. For the outrage, as the Court ſhall judge fit.

I X. Whoſoever ſhall uſe reproachful Speeches, or other Provocations againſt his Comrades, ſhall be cenſured at the Generals and Courts diſcretion.

X. Whoſoever provoketh or appealeth another to the Combat, ſhall be Caſheered.

X I. Whoſoever ſhall be found guilty of innocent blood, ſhall die.

X I I. Whoſoever ſhall without permiſſion ſtay out of his Garriſon or Camp, if an Officer, he ſhall be caſhiered, and if a Souldier, cenſured at the Court and Generals diſcretion.

X I I I. Whoſoever ſhall grumble at his quarter aſſigned to him, let him be accounted a mutineer.

X I V. Whoſoever upon any quarrel or debate, ariſing betwixt him and others (whether of the Army, City or Country) ſhall call for aſſiſtance from his fellow Souldiers, Citizens, Countrey-men, or any other-

wayes

wayes related to him for making of parties or faction, ſhall die without mercy.

XV. Whoſoever in any caſe ſhall behave himſelf cowardly againſt the Enemy, the Officer ſhall die without mercy, and the Souldier ſuffer decimation.

XVI. Whoſoever ſhall not give ready obedience to to any Bank or Order, for the well of the Army, howbeit upon ſome occaſional emergent, not mentioned in theſe Articles, ſhall be left to arbitrary puniſhment.

III.

Duties of Officers in Particular.

I. LEt all and every Officer of whatſoever quality or degree, take care that all under his command behave themſelves civily and chriſtianly :namely, That theyfrequent GODS publick Worſhip, when they are where they may have it, as they will be anſwerable to the General.

II. Whoſoever defraudeth the Officers or Souldiers under him of any part or parcel of the Kings pay., ſhall be obliedged firſt to refound the money, and then to be diſgracefully caſhiered.

III Whatſoever Officer ſhall ſuffer any under his command to go a Duelling or Combatting, ſhall loſe his Place; and if he be Serjant or Corporal of the Watch and did not hinder them, and yet might, he ſhall die.

IV. Whoſoever is found to be an habitual Drunkard, Quarreller, or Brawler, let him be diſgracefully Caſheered.

V. But let all Officers whatſoever, upon their peril, do their endeavour to part Quarrels or Tumults ariſing amongſt

amongſt Souldiers of whatſoever Company or Regiment, and Commit and Arreſt the ſame until thoſe Officers be acquainted therewith, to whoſe particular Command they do more immediatly belong. And what Souldier ſoever ſhall reſiſt, or lift up his hand againſt; yea, ſhall reſolutely reſiſt an Officer ſo doing, ſhall ſurely die.

VI. Whatſoever Captain, whether of Troop, or Foot Company, ſhall preſent in his Muſter any others then ſuch who by their pay are oblidged to follow him, ſhall be Caſheered.

VII. Let no Captain upon his peril Caſheer any Souldier being once approved of, and enrolled by the Muſter-maſter, without a ſpecial warrand from the General.

VIII. Whoſoever ſhall be found a miles diſtance out of his Quarter, Garriſon, or Leagure, ſhall forfeit a Months pay for the firſt fault, and for the next ſhall be Caſheered, or perſonally puniſhed, at the diſcretion of the Court.

IX. Whoſoever offereth violence to his Superior, ſhall die.

X. Whatſoever Commiſſary or other Officer, intruſted with Money, Victual, Arms, or Ammunition, ſhall embezle, or ſpoil the ſame, or give any falſe account thereof, ſhall die.

IV.

Duties of Souldiers in Particular.

Firſt concerning their Arms.

1. WHatſoever Souldier ſhall come to be exerciſed or mount the Guard, not compleatly armed

armed with fixt and well kept arms, ſhall be ſeverely amerced, fined and cenſured.

II. Whoſoever ſhall ſell his Horſe or Arms, or otherwayes embezle them, ſhall be kept as a Pioneer or Baggage-man, until he be again provided at his own charge, and undergo ſuch other puniſhment as the Court ſhall inflict.

III. But whoſoever appignorates or ſells their Arms, ſhall be liable to arbitrary puniſhment; and whoſo ſhall buy or reſet the ſame, ſhall reſtore the Arms, and loſe their money.

IV. Whatſoever Trooper ſpoileth his Horſe, upon deſign to get off the Service, he ſhall loſe his Horſe, and be turned in into a Foot Company.

V. Whoſoever borroweth anothers Horſe or Arms, therewith to paſs Muſter, beſides that the lender loſeth what he hath lent, the Borrower ſhall be ſeverely puniſhed.

VI. Whoſoever ſhall ſpoil, ſell or otherwayes embezle his Ammunition given to him for the Service, ſhall ſurely die.

V.

Duties on the March.

I. WHoſoever in his March through the Country, ſhall ſpoil, waſte, or extort money, victuals or paunes from any of His *Majeſties* Subjects upon pretext whatſoever, ſhall die.

II. Whoſoever ſhall break down, burn or pillage any Church, School, Hoſpital or Colledge, or ſhall deſpightfully uſe Church men, Schollers, poor or old people, Women, Maids or Children, ſhall die.

III. Who-

III. Whoſoever, upon whatſoever pretention ſhall take a Horſe out of the Plough, or wrong the Huſband-man in his Perſon, Cattle or Goods, ſhall die.

IV. Whoſoever on a March ſhall ſtraggle from his Troop or Company, ſhall die.

V. Whoſoever ſhall deſtroy or deface Milns, Gardens, Orchards, or Walks of trees, ſhall be moſt ſeverely puniſhed.

VI.

Concerning Camp or Garriſon.

I. WHoſoever without leave from his Officer, ſhall be found a mile without the Camp, ſhall be ſeverely puniſhed.

II. Whoſoever ſhall go in or out of the Camp or Garriſon, by any other wayes then are appointed, ſhall die.

III. Whoſoever in Camp or Garriſon draweth his Sword upon any private quarrels, or after the Watch is ſet, ſhall die.

IV. Whoſoever without order from his Officer, diſcovereth the Watch-word, or giveth any other word then the true word, ſhall die.

V. Whoſoever committeth violence upon Victuallers, or any others who bring Proviſion for the Army, ſhall die.

VI. Whoſoever without order ſpeaketh with Drum. or Trump. ſent from the Enemy, ſhall die.

VII. Whatſoever Sentinel or Pardue ſhall be found ſleeping upon Duty, ſhall die.

VIII. Whoſoever carryeth Arms, pretending to be a Souldier, and is not, within three dayes after he hath

been in the Army, enrolled in ſome Troop, or Foot Company, ſhall die.

IX. Whoſoever is enrolled, if he go away without licence from the Army, Garriſon or Camp, or ſhall attempt to go over to the Enemy, ſhall die.

X. Whoſoever abſents himſelf from the Watch, when the Sign is given, ſhall be liable to arbitrary puniſhment.

XI. Whoſoever in his quarter ſhall frighten or abuſe his Landſlord, or any other Perſon of the Family, or extort from them by violence money or victualls, ſhall be moſt ſeverely puniſhed.

XII. Whoſoever by day or night ſhall depart from his Sentinel before the Corporal relieve him, ſhall die.

XIII. Whoſoever abſents himſelf from the Court de-guard, either by day or night, without leave, ſhall die.

XIV. Whatſoever Souldier without order ſhall frequent any gatherings together, to demand money or any thing elſe, eſpecially if it be to demand money when they are going againſt an Enemy, ſhall die.

XV. Whoſoever ſhall refuſe to work any manner of work he can, at making of Forts or Leagers (need ſo requiring he be commanded to do) ſhall die.

XVI. Whoſoever Souldiers, Victuallers, or others, ſhall pollute the Camp by disburdening of nature, or otherwayes (except Officers, who are to have their own houſes of Office appointed for them) ſhall be cenſured by the Court at pleaſure.

VII.

Duties of Souldiers toward Superiors.

I. WHatſoever Souldier preſumeth to quarrel with his Officers, ſhall die.

II. Whatſoever Souldier deſerteth his own Captain, or

or Servant his Maſter, howbeit he abide in the Army, ſhall die.

III. When the Army is in Batallio, or on a March, or about to receive orders for quarters, let every private Souldier keep ſilence, or forthwith be committed to the Marſhall.

IV. Whoſoever ſhall reſiſt the Proveſt Marſhal or any other that belongs to him going about his duty, or yet ſhall break priſon, ſhall die.

V. Whoſoever thinketh himſelf injured, ſhall thereupon attempt his own revenge, ſhall be cenſured by the Court: but if he make his addreſs to the Officer of him who gave the abuſe; the Officer ſhall be obliged to give him full ſatisfaction.

VI. Whatſoever Trooper or Foot Souldier ſhall preſume to draw his Sword in the preſence of his General, Lieutenant General, or Major General, meaning to do harm therewith, ſhall have his hand cut off.

VIII.

Concerning the Muſters.

I. LEt no Muſter-maſter upon his higheſt peril knowingly paſs any who are not of that Troop or Company wherein they are muſtered.

II. Whoſoever, Victualler, Free-booter, or Souldier of another Troop or Company, ſhall preſent himſelf or his horſe at the Muſter of a Troop or Company, to which he doth not belong, thereby to abuſe the Muſter-maſter, or betray the Kings ſervice, ſhall die.

III. Let every Captain upon his peril, within two dayes after the Muſter-day, ſend to the General a perfect liſt of all his interiour Officers and Souldiers fit for preſent ſervice, ſetting down at each mans name his moneths pay.

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IV. Let

IV. Let every Captain likewiſe at or upon every pay day ſend to the General (or ſome one appointed by him for that purpoſe) the Comtprol of the former Liſt or Roll; with an exact account of all ſuch new Troopers and Souldiers as have been entertained ſince the laſt pay day, in place of ſuch who may either have died, or have been caſhiered, together with the days both whereon the one was caſhiered, and the others entertained.

V. Neithe let the Muſter-maſter adventure to receive any Roll other then this ſo atteſted, thereby to make his Muſters: otherwayes, beſides the loſs of his place, let him undergo the cenſure of a Court Marſhal.

VI. Whoſoever preſents himſelf to be muſtered or inrolled under a counterfeit name or ſurname, ſhall die.

VII. No Officer of whatſoever degree ſhall muſter more ſervants then what His *Majeſty* allows, and that His *Majeſty* may be pleaſed to determine unto each Officer his number of Servants to be muſtered, is hereby humbly expected.

IX

Duties in Action.

I. WHoſoever upon the alarum given, doth not inſtantly (if able) repair to his colours, ſhall die.

II. Whoſoever before or at the fight ſhall throw away his Arms, Powder or Bandeliers, ſhall die.

III. Whoſoever killeth an Enemy yeelding himſelf, beſides the infamy, ſhall undergo the cenſure of the Court.

IV. Whoſoever ſhall protect an Enemy, having in his hand Arms Offenſive, ſhall loſe his priſoner.

V. Whatſoever Souldier, yea, or Officer, ſhall not preſent his priſoner to the General, or thoſe by him appointed,

pointed, within twenty four hours after he hath been taken, ſhall die.

VI. VVhoſoever upon ſucceſs (how good ſoever) ſhall fall a plundering or pillaging, ſhall die.

VII. Whoſoever ſhall meddle with, or ſpoil the Goods of him who ſhall die or be killed in the Service, ſhall be found to refound the double to ſuch as hath beſt intereſt, either by the Will of the Dead, or otherwiſe by Blood; and further, be obnoxtious to the further cenſure of the Court.

X.

Concerning Victuallers.

I. VVHatſoever Victualler, Sutler, or Mercatenter, ſhall vent or ſell any rotten or ſpoiled Victuals, beſides his Impriſonment and Confiſcation of his Drink and Victuals, he ſhall undergo moſt ſevere puniſhment.

II. Let no Souldier turn Victualler nor Mercatenter, without licence from the General.

III. Let no Mercatenter entertain in his Houſe, Hut, Tent, or Cabine, any Souldier after Taptoo at night, and before the Dienne in the morning.

IV. Whatſoever Mercatenter ſhall foreſtall or ſell any Drink or Victuals, before a price be ſet thereupon by the Proveſt-Marſhal, ſhall loſe all he hath, and be liable to further cenſure.

XI.

Concerning the Judicatory, or Court-Martial.

I. TO the end theſe fore-mentioned Acts and Ordinances may be more orderly execute: Let there

there be in the Army two Councils of War, or Courts Martial; One Inferior in every Regiment, wherein the Colonel or Lieutenant-Colonel ſhall preceed, with ſo many Captains, Lieutenants and other Inferior Officers, as may amount to the number of thirteen, beſides or with the Preſident.

II. In the other, which is the high Court Martial, ſhall preceed the General, or one of the general Perſons. His aſſociats (as aſſeſſors) ſhall be the Colonels of Horſe and Foot, Lieutenant-Colonels, Majors, with the Captains of the Life-guards, and of the other Troops and Foot Companies, to the number of thirteen, with the Preſident.

III. The Preſident ſitting at the upper end of the Table, and his aſſeſſors in each ſide, according to their Quality, with the Secretary at the lower end, all of them ſhall take this Oath following.

The Oath of the Court.

I A. B. *do hereby in preſence of Almighty God Declare and Swear, that I ſhall freely and readily, without feed or favour, fear, or revenge, deliver my Judgement in every Particular at preſent to be debated or determined in this Court, according to my Conſcience, and knowledge in the known Laws, and Articles of War.* So help me God!

IV. All Officers and Souldiers ſhall do their beſt to detect, apprehend, and bring to due puniſhment all tranſgreſors againſt theſe Laws, and to be aſſiſtant to the Proveſt Marſhal, as they will anſwer the contrary; So that whoſoever ſhall ſhelter or reſcue a Priſoner from the Marſhal, are to be cenſured as guilty of the ſame Offence for which the Priſoner was to ſuffer.

V. The Marſhal ſhall not be countable for any Priſoner ſent to him, unleſs he who ſend, ſhall ſend together

with the Priſoner the ground and cauſe of his Impriſonment, and that in writ.

V I. Whoſoever upon evidence of Malverſation ſhall be apprehended by, or delivered to the Proveſt Marſhal, the Marſhal ſhall be oblidged at the firſt conveniency to exhibit the Priſoner with his accuſation before the Court.

V I I. But if the Marſhal ſhall ſuffer a Priſoner to eſcape, beſides the loſs of his place, he ſhall be liable to the puniſhment due to the Priſoner ſo eſcaped.

V I I I. All Civil Magiſtrats whatſoever, whether in City or Countrey, are required to apprehend and ſend to the next Garriſon, together with the nature of their offence, all whomſoever belonging to the Army they ſhall find in any kind of innormity; That ſo they may be ſent to the General, by whom, with advice of the Court, they are to be judged by Martial Laws. Likeas, they are likewiſe required to ſeiſe and apprehend whatſoever Souldier they ſhall find ſtraggling, or gadding abroad in the Countrey, and forthwith ſend him to the next Garriſon.

I X. Whoſoever ſhall obſtruct, threaten, or menace the Court, or draw his Sword where it is ſitting, ſhall die.

X. Whatſoever Pecunial Mulct or Fine may be impoſed by the Court, ſhall be ſeverely exacted, without reſpect of perſons, and Collected by ſuch whom the General ſhall appoint.

X I. If any caſual thing, or new emergent ſhould happen, againſt which there is in theſe Articles no ſpecial proviſion: In ſuch caſes the Offender ſhall be liable to cenſure at the Judgement of the General, and the reſpective Courts Martial; otherwiſe let him be proceeded againſt as diſobedient and mutinous.

CHARLES

CHARLES R.

OUr will and pleaſure is, That theſe Laws and Articles of War, for the Government of our Forces within our Kingdom of Scotland, *be forthwith printed and publiſhed, and that they be duely executed and obſerved by all our Officers and Souldiers within that our Kingdom.* Given at Our Court at *Whitehall*, the fourth day of *January*, 1667. And of our Reign the eighteenth year.

By His MAJESTIES Command.

LAUDERDAIL.

FINIS.